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18114

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7590 10/03/2007  
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EXAMINER

SMITH, GARRETT A

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/506,091	Applicant(s) KASUTANI ET AL.	
	Examiner Garrett A. Smith	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :30 August 2004, 9 March 2007, 16 July 2007.

### **DETAILED ACTION**

1. This Office action is regarding the Application filed 28 August 2004. Claims 1 – 35 are pending. A preliminary Amendment was filed 30 April 2004, in which Applicant amended claims 3, 5, 8, 10, 12, 13, 16, 17, 20, 21, 23 and 33 as well as added new claim 35.

#### ***Priority***

2. The Examiner notes that this Application is the national stage entry of PCT/JP03/15574, filed 5 December 2003. Further, Applicant claims foreign priority to Japanese applications 1003-66399 (filed 12 March 2003) and 2002-355268 (6 December 2002). Certified copies of both foreign applications have been received and have been placed in the record of this Application.

#### ***Information Disclosure Statement***

3. The Examiner has considered the Information Disclosure Statements filed 16 July 2007 and 9 March 2007. Annotated copies have been enclosed with this Office Action. However, the IDS filed 30 August 2004 has a deficiency. The IDS filed 30 August 2004 states a translation is provided (see the IDS check box) as well as page 2, item #8 in the IDS Letter for JP Application 2002-184157. However, it appears that no translation was with provided with the IDS form. The Examiner will not consider this reference until either a English language summary/abstract or full translation (as stated

in the letter) is provided. The remaining references have been considered and a copy of the annotated IDS has been enclosed.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 600 (Fig 10); 700 (Fig 11); 800 (Fig 12); 900 (Fig 13). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claim 3, 4, 18 – 23 and 35 are objected to because of the following informalities:
- a) In claim 3, "features selectably on" should be rewritten "features selectable on".

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a) In claim 18, "displaying selectably features" should be rewritten "displaying selectable features".

b) In claim 21, "displaying selectably features" should be rewritten "displaying selectable features".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112 1<sup>st</sup> Paragraph***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims **1 – 17, 18 – 20, 24 – 30 and 33 – 35** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

8. In regard to **claim 1**, the claim recites, "a memory unit configured for storing description schemes defined for every category of picture." According to this claim, as well as in light of the Specification, Applicant appears to be claiming a memory unit that can contain each and every description scheme for each and every possible category of picture. This is an *infinite* amount of information. Therefore requires a memory unit that can contain an infinite amount of information – which, to Examiner's knowledge, does not currently exist nor is described in Applicant's disclosure.

9. In regard to **claim 18**, the claim recites, "storing description schemes defined for every category of picture." Similarly to claim 1, the claim requires a storing of an infinite amount of information. To Examiner's knowledge, the technology does not currently exist to allow storing of infinite amounts of information.

10. In regard to claims **2 – 17, 19, 20, 24 – 30 and 33 – 35**, these claims do not solve the deficiencies of their respective parent claims and are rejected for the same reasons.

***Claim Rejections - 35 USC § 112 2<sup>nd</sup> Paragraph***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims **1 – 17, 18 – 20, 24 – 30 and 33 – 35** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. In regard to **claim 1**, the claim recites, "description schemes defined for every category of picture." This appears to be a prolix claim. The metes and bounds are not clearly defined as to be indefinite. A person of ordinary skill in the art would not know what the scope of this limitation would be.

14. In regard to **claim 7**, the limitation "at least one feature of a plurality of features including at least ..." is an improper Markush group. As claimed, none of the listed elements are required to be shown in prior art as an element outside the listed group can be present and read on the claim. In order to be considered a proper Markush group, the group must be bounded. As such, "includes" is an open ended transitional

phrase (See MPEP 2111.03). Therefore, the scope of this claim is unclear and indefinite. However, the Examiner will take for the remainder of the examination that the list provided of group members in the claim is a closed group. The Examiner suggests amending the “includes” in the claim to “consisting of” or other such closed transitional phrase.

15. In regard to **claim 8**, the limitation “said color distribution consists of a plurality of descriptors including...” and the limitation “said texture consists of a plurality of descriptors including...” are improper Markush groups. Therefore, this claim is rejected for the reasons provided for claim 7.

16. In regard to **claim 9**, the limitation “said arbitrary-shaped picture description scheme has at least one feature of a plurality of features including...” is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

17. In regard to **claim 10**, the limitation “said shape consists of a plurality of descriptors including...” is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

18. In regard to **claim 11**, the limitation “said rectangular video description scheme includes at least one feature of a plurality of features including...” is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

19. In regard to **claim 12**, the limitation “said time series data has at least one feature of a plurality of features including”, the limitation “said color distribution consists of a plurality of descriptors including” and the limitation “said texture consists of a



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plurality of descriptors including..." are improper Markush groups. Therefore, this claim is rejected for the reasons provided for claim 7.

20. In regard to **claim 13**, the limitation "said representative feature has at least one feature of a plurality of features including", the limitation "said color distribution consists of a plurality of descriptors including" and the limitation "said texture consists of a plurality of descriptors including..." are improper Markush groups. Therefore, this claim is rejected for the reasons provided for claim 7.

21. In regard to **claim 14**, the limitation "said video object description scheme includes at least one feature of a plurality of features including..." is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

22. In regard to **claim 15**, the limitation "said object motion consists of a plurality of descriptors including..." is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

23. In regard to **claim 16**, the limitation "said time series data has at least one feature of a plurality of features including", the limitation "said color distribution consists of a plurality of descriptors including" and the limitation "said texture consists of a plurality of descriptors including..." are improper Markush groups. Therefore, this claim is rejected for the reasons provided for claim 7.

24. In regard to **claim 17**, the limitation "said representative feature has at least one feature of a plurality of features including", the limitation "said color distribution consists of a plurality of descriptors including" and the limitation "said texture consists of a

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plurality of descriptors including..." are improper Markush groups. Therefore, this claim is rejected for the reasons provided for claim 7.

25. In regard to **claim 18**, the claim recites, "description schemes defined for every category of picture." Similarly to claim 1, this appears to be a prolix claim. The metes and bounds are not clearly defined as to be indefinite. A person of ordinary skill in the art would not know what the scope of this limitation would be.

26. In regard to **claim 25**, the limitation "said still picture description scheme includes at least one feature of a plurality of features including..." is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

27. In regard to **claim 26**, the limitation "said color distribution consists of a plurality of descriptors including...", the limitation "said color layout feature consists of a plurality of descriptors including...", the limitation "said color temperature consists of a plurality of descriptors including...", the limitation "said illumination compensated color feature consists of a plurality of descriptors including...", the limitation "said edge distribution feature consists of a plurality of descriptors including..." and the limitation "texture consists of a plurality of descriptors including..." are improper Markush groups.

Therefore, this claim is rejected for the reasons provided for claim 7.

28. In regard to **claim 27**, the limitation "said shape consists of a plurality of descriptors including..." is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

29. In regard to **claim 29**, the limitation "said moving picture description scheme includes at least one feature of a plurality of features including..." is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

30. In regard to **claim 32**, the limitation "said shape consists of a plurality of descriptors including..." is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

31. In regard to **claim 33**, the limitation "said moving picture description scheme ... includes at least one feature of a plurality of features including..." is an improper Markush group. Therefore, this claim is rejected for the reasons provided for claim 7.

32. In regard to claims **2 – 6, 19, 20, 24, 30, 34 and 35**, these claims do not solve the deficiencies of their respective parent claims and are rejected for the same reasons.

### ***Claim Rejections - 35 USC § 101***

33. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

34. Claims **1 – 20, 24 – 30 and 33 – 35** rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

35. In regard to **claim 1**, the claim recites, "a memory unit configured for storing description schemes defined for every category of picture." According to this claim, as well as in light of the Specification, Applicant appears to be claiming a memory unit that can contain each and every description scheme for each and every possible category of picture. This is an *infinite* amount of information. Therefore requires a memory unit

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that can contain an infinite amount of information – which, to Examiner's knowledge, does not currently exist. As such, the invention is inoperative to the meaning of 35 USC 101 and lacks utility.

36. In regard to **claim 18**, the claim recites, "storing description schemes defined for every category of picture." Similarly to claim 1, the claim requires a storing of an infinite amount of information. To Examiner's knowledge, the technology does not currently exist to allow storing of infinite amounts of information. As such, the invention is inoperative to the meaning of 35 USC 101 and lacks utility.

37. In regard to claims **2 – 17, 19, 20, 24 – 30 and 33 – 35**, these claims do not solve the deficiencies of their respective parent claims and are rejected for the same reasons.

38. Claims **21 – 23** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

39. In regard to **claim 21** (and dependant **claims 22 and 23**), the claim recites "a software product...". Therefore, the claim is directed to software, *per se*. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33

F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

40. Claims **31 and 32** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

41. In regard to **claim 31**, the claim is directed towards a “description scheme”. This, as claimed, is “nonfunctional descriptive material.” The scheme does not perform an action and only contains information. As such, no functionality is realized from this material and therefore, this claim and its dependant (**claim 32**) are non-statutory.

### ***Claim Rejections - 35 USC § 102***

42. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

43. Claims **1 – 35** are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasaka et al (US Patent 6,400,890 B1; patented 4 June 2002).

44. In regard to **claim 1**, Nagasaka et al teaches a picture description system comprising: a memory unit configured for storing description schemes (*col 4, lines 54 – 56; data is stored in memory; col 5, lines 40 – 46; description schemes are described for various picture features that are extractable*); and a control unit configured for, when a picture is specified, specifying features extractable from said specified picture with reference to a description scheme (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features*).

45. In regard to **claim 2**, Nagasaka et al further teaches the picture description system according to claim 1, further comprising a description file generating unit configured for extracting data associated with said specified features from said specified picture (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features*) and for generating a description file of said specified picture (*Fig 4, ref# 128; the extracted features are outputted*).

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46. In regard to **claim 3**, Nagasaka et al further teaches the picture description system according to claim 1, wherein said control unit displays said specified features selectable on a display unit (*see figure 16, col 14, lines 9 – 11; frames are selectable*).

47. In regard to **claim 4**, Nagasaka et al further teaches the picture description system according to claim 3, further comprising a description file generating unit configured for extracting data associated with selected features out of said specified features from said specified picture (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features*) and for generating a description file of said specified picture (*Fig 4, ref# 128; the extracted features are outputted*).

48. In regard to **claim 5**, Nagasaka et al further teaches the picture description system according to claim 2 further comprising a description file verifying unit configured for verifying said description file generated by said description file generating unit by using said description scheme associated with said category of said specified picture (*col 5, lines 19 – 23; "A feature comparator 130 compares the newest time sequential array of features 124 sequentially sent from the frame feature extractor 122 with a stored feature table 300 (the data content is the same as that of the feature table 112) for consistency*).

49. In regard to **claim 6**, Nagasaka et al further teaches the picture description system according to claim 1, wherein said memory unit stores a rectangular picture description scheme for describing a rectangular picture (*see Fig 3*).

50. In regard to **claim 7**, Nagasaka et al further teaches the picture description system according to claim 6, wherein said rectangular picture description scheme has edge distribution (*see figure 3; the feature extraction is based on edge distribution*).

51. In regard to **claim 8**, Nagasaka et al further teaches the picture description system according to claim 7, wherein each of said at least one feature consists of at least one selectable descriptor (*see figure 16, col 14, lines 9 – 11; frames are selectable*).

52. In regard to **claims 9 – 17**, since only one scheme is required and the selected scheme in this case is rectangular picture description (RPD) scheme, these claims do not further limit or describe this selected scheme. As such, no further discussion of these claims is required as Nagasaka et al teaches the parent claims.

53. In regard to **claim 18**, Nagasaka et al teaches a picture description method comprising the steps of: storing description schemes (*col 4, lines 54 – 56; data is stored in memory; col 5, lines 40 – 46; description schemes are described for various picture features that are extractable*); specifying, when a picture is specified, features extractable from said specified picture by retrieving a description scheme associated with category of said specified picture (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features*); and displaying selectable features extractable from said specified features (*Figs 16, 17 and 18*).



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54. In regard to **claim 19**, Nagasaka et al further teaches the picture description method according to claim 18, further comprising the steps of: selecting desired features from said displayed features; and extracting features from said specified picture according to said desired features and generating a description file (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features; Figs 17 and 18*).

55. In regard to **claim 20**, Nagasaka et al further teaches the picture description method according to claim 19, further comprising a step of verifying said generated description file by using a description scheme associated with said category of said specified picture (*col 5, lines 19 – 23; “A feature comparator 130 compares the newest time sequential array of features 124 sequentially sent from the frame feature extractor 122 with a stored feature table 300 (the data content is the same as that of the feature table 112) for consistency*).

56. In regard to **claim 21**, Nagasaka et al teaches a software product executable on a computer comprising the functions of: retrieving, when a picture is specified, a description scheme associated with category of said specified picture from a memory unit storing description schemes defined for every category of picture (*col 4, lines 54 – 56; data is stored in memory; col 5, lines 40 – 46; description schemes are described for various picture features that are extractable*); specifying features extractable from said specified picture based on said retrieved description scheme (*col 5, lines 40 – 46; description schemes are described for various picture features that are extractable; col*

5, line 15 – 17; the feature extractor component uses the description schemes to extract various features); and displaying selectable features extractable from said specified features (Figs 16, 17 and 18).

57. In regard to **claim 22**, Nagasaka et al further teaches the software product according to claim 21, further comprising a function of extracting features, when desired features are selected from said displayed features, from said specified picture according to said desired features and generating a description file (col 5, lines 40 – 46; *description schemes are described for various picture features that are extractable; col 5, line 15 – 17; the feature extractor component uses the description schemes to extract various features; Figs 17 and 18*).

58. In regard to **claim 23**, Nagasaka et al further teaches the software product according to claim 22, further comprising a function of verifying said generated said description file by using a said description scheme associated with said category of said specified picture (col 5, lines 19 – 23; *“A feature comparator 130 compares the newest time sequential array of features 124 sequentially sent from the frame feature extractor 122 with a stored feature table 300 (the data content is the same as that of the feature table 112) for consistency*).

59. In regard to **claim 24**, Nagasaka et al further teaches the picture description system according to claim 1, wherein said memory unit stores at least one of a still picture description scheme for describing features of a still picture (*Fig 3, as the frames of the movie are still pictures*)

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60. In regard to **claim 25**, Nagasaka et al further teaches the picture description system according to claim 24, wherein said still picture description scheme has edge distribution feature (*see figure 3; the feature extraction is based on edge distribution*).

61. In regard to **claim 26**, Nagasaka et al further teaches the picture description system according to claim 25, wherein each of said at least one feature consists of at least one selectable descriptor (*see figure 16, col 14, lines 9 – 11; frames are selectable*).

62. In regard to **claim 27**, since only one scheme is required and the selected scheme in this case is rectangular picture description (RPD) scheme, this claim does not further limit or describe this selected scheme. As such, no further discussion of this claim is required as Nagasaka et al teaches the parent claim.

63. In regard to **claim 29**, Nagasaka et al further teaches the picture description System according to claim 1, wherein said memory unit stores a still picture description scheme for describing features of a still picture (*Fig 3, as the frames of the movie are still pictures*).

64. In regard to **claims 29, 30, 33 and 34**, since only one scheme is required and the selected scheme in this case is still picture description scheme, these claims do not further limit or describe this selected scheme. As such, no further discussion of these claims is required as Nagasaka et al teaches the parent claims.

65. In regard to **claims 31 and 32**, Nagasaka et al teaches a description scheme used in a picture description system (abstract). However, the remainder of the claim is determined to be intended use/nonfunctional descriptive material. A recitation of the

intended use/nonfunctional descriptive material of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. As the only difference between the prior art and the claimed invention is not functionally related, the invention is not distinguished from the prior art. See *in re Ngai*. Therefore no patentable weight is give to the intended use/nonfunctional descriptive material.

66. In regard to **claim 35**, Nagasaka et al further teaches the picture description system according to claim 4, further comprising a description file verifying unit configured for verifying said description file generated by said description file generating unit by using said description scheme associated with said category of said specified picture (*col 5, lines 19 – 23; "A feature comparator 130 compares the newest time sequential array of features 124 sequentially sent from the frame feature extractor 122 with a stored feature table 300 (the data content is the same as that of the feature table 112) for consistency*).

***Conclusion***

67. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 6052492 A; US 20020025079 A1; US 6389181 B2; US 6396963 B2; US 6442538 B1

68. The Examiner requests, in response to this Office action, that support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

69. When responding to this Office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garrett A. Smith whose telephone number is (571) 270-1764.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



September 26, 2007

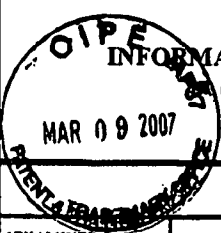
Garrett Smith  
Patent Examiner  
Art Unit 2169



CHRISTIAN CHACE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

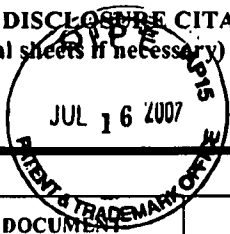
DT15 55-10-10-10 30 AUG 2004

<b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				Atty. Docket No. 18114		Serial No. <b>10/506091</b> <small>Unassigned</small>			
				Applicants: Elji Kasutani, et al.					
				Filing Date Herewith				Group Unassigned	
<b>U.S. PATENT DOCUMENTS</b>									
EXAMINER'S INITIAL*	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)			
<b>FOREIGN PATENT DOCUMENTS</b>									
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION			
						YES	NO		
/GS/	2002-170116	06/14/02	Japan			X			
/GS/	2001-57057	01/27/01	Japan			X			
/GS/	2001-167095	06/22/01	Japan			X			
/GS/	2001-292425	10/19/01	Japan			X			
/GS/	2001-346140	12/14/01	Japan			X			
/GS/	2002-184157	06/28/02	Japan			X			
	<del>2002-176619</del>	<del>06/21/02</del>	<del>Japan</del>			<del>X</del>			
<b>OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>									
/GS/	Akio Yamada, "MPEG-7 Visual" <u>Multimedia Research Laboratories, NEC Corp.</u> , (September 2001)								
EXAMINER /Garrett Smith/				DATE CONSIDERED 09/24/2007					
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									

 <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				Docket Number (Optional) <b>18114</b>		Application Number <b>10/506,091</b>		
				Applicant(s) <b>Eiji Kasutani, et al.</b>				
				Filing Date <b>June 28, 2005</b>		Group Art Unit <b>2154</b>		
<b>U.S. PATENT DOCUMENTS</b>								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
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	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
/GS/		CN 1371502 A	9/25/02	China				✓
<b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
EXAMINER <b>/Garrett Smith/</b>				DATE CONSIDERED <b>09/24/2007</b>				
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<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)				Docket Number (Optional) <b>18114</b>		Application Number <b>10/506,091</b>	
				Applicant(s) <b>Eiji Kasutani et al.</b>			
				Filing Date <b>June 28, 2005</b>		Group Art Unit <b>2154</b>	



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							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		

EXAMINER <b>/Garrett Smith/</b>	DATE CONSIDERED <b>09/24/2007</b>
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**Notice of References Cited**

Application/Control No.

10/506,091

Applicant(s)/Patent Under  
Reexamination  
KASUTANI ET AL.

Examiner

Garrett A. Smith

Art Unit

2169

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	L	US-			
	M	US-			

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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